THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.27395 OF 2005

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DATED: 24-02-2006

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Between:

P. Pakkiraiah … Petitioner

And

1. The Joint Collector, Kurnool,

   Kurnool District and 3 others. .. Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.27395 OF 2005

ORDER :

The petitioner is the fair price shop dealer of Shop No.123 of Kurnool and he is also a member of Kurnool Fair Price Shop Welfare Association. While so, the Government introduced a scheme by name Gruhamithra Scheme for sale of rice, dal and etc. at Rythu Bazaars through Gruhamithra Counters run by Fair Price Shop dealers. The Fair Price Shop Dealers Association was authorised to act as Nodal Agency for implementation of the scheme and it appears that in pursuance of the guidelines under the scheme, Kurnool Fair Price Shop Dealers Association recommended to appoint the petitioner to run Gruhamithra counters at C-Camp Rythu Bazaar, Kurnool. Accordingly, the 1st respondent by order dated 3-3-2004 permitted the petitioner to run Gruhamithra counters at C-Camp Rythu Bazaar, Kurnool.

The petitioner states that there are three Rythu Bazaars in Kurnool Town. It is alleged that in all the three Rythu Bazaars the fourth respondent is running Gruhamithra counters illegally without any appointment orders from the first respondent. In the circumstances, the petitioner made several representations to the respondents 1 to 3 to hand over the possession of the counter in the Rythu Bazaar to enable him to store the goods and sell the commodities in terms of the order dated 3-3-2004. However, the respondents 2 and 3 have not taken any action to get the counter vacated by the fourth respondent and consequently, the petitioner was constrained to sell the goods on the platform of Rythu Bazaar. Hence, this writ petition seeking a Mandamus declaring the action of the respondents in not handing over the possession of the shop for running Gruhamithra C-Camp Rythu Bazaar, Kurnool, by proceedings dated 3-3-2004 as arbitrary and illegal.

I have heard the learned Counsel for the petitioner, learned Government Pleader for Civil Supplies appearing for the respondents 1 to 3; and perused the material on record.

At the outset, it is to be noted that nothing has been placed before this Court to show that the scheme in question i.e., Gruhamithra Scheme was introduced under the provisions of any statute. The material on record shows that the petitioner has been permitted to run Gruhamithra counter at Rythu Bazaar in terms of certain

guidelines issued for implementation of the scheme. The guidelines only prescribe the procedure to be followed for proper implementation of the welfare scheme and the permission granted to the petitioner who is a fair price shop dealer to run the counter in pursuance of such guidelines does not confer any legal right on the petitioner which can be enforceable by invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India. The law is well settled that administrative instructions confer no enforceable right.

In the circumstances, the mere fact that the petitioner was permitted to run the counter in Rythu Bazaar for implementation of Gruhamithra Scheme which has no statutory force does not confer any right on the petitioner. Hence, even assuming that there are any lapses in implementation of the proceedings of the first respondent dated 3-3-2004, no Mandamus can be issued as prayed for.

However, since admittedly the petitioner has made several representations bringing to the notice of the Commissioner of Civil Supplies as well as the 1st respondent – Joint Collector, Kurnool, the fact that he is not allowed to run Gruhamithra Counter in Rythu Bazaar in spite of the order of the 1st respondent dated 3-3-2004 and since they have already issued certain directions for implementation of the order dated 3-3-2004, I deem it appropriate to dispose of the writ petition with a direction to the 1st respondent to take the necessary steps in accordance with law as expeditiously as possible.

The Writ Petition is accordingly disposed of. No costs.

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G. ROHINI,J.

Dt. 24-2-2006

Note:- CC in 2 days.

(B/O)

klp/ghn